

REMARKS

Claims 4, 6, 7 and 19 are now pending in this application. Claim 4 has been amended to incorporate the subject matter of canceled claim 18. Claim 4 has also been amended to recite that the patient in the method is a human who exhibits normal or low blood pressure.

Support for the amendment to claim 4 appears in the specification in the third full paragraph on page 3 and in the Example. As explained below, this amendment should place the pending claims in condition for allowance. The proposed amendments to claim 4 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. As a result, this Amendment should allow for immediate action by the Examiner.

I. Rejection of claim 4 under 35 U.S.C. § 103(a)

The Examiner maintained the rejection of claim 4 under 35 U.S.C. § 103(a) in view of U.S. Patent No. 4,587,258 and the Merck Manual. Applicants disagree with this rejection for the reasons already made of record. Applicants have nonetheless incorporated the subject matter of canceled claim 18 into claim 4. Claim 18 was not included in this obviousness rejection. This rejection should therefore be withdrawn as it relates to amended claim 4.

II. Rejection of claims 6-7 and 19 under 35 U.S.C. § 103(a)

The Examiner maintained the rejection of claims 6-7 and 19 under 35 U.S.C. § 103(a) in view of U.S. Patent No. 4,587,258, the Merck Manual and WO 96/24373. Applicants disagree with this rejection for the reasons already made of record. The subject matter of claim 18, which has been added to independent claim 4, was not included in this obviousness rejection. The rejected claims depend from amended claim 4, and for at least this reason should not be obvious in view of the cited documents.

III. Rejection of claims 4 and 18 under 35 U.S.C. § 102(b)

The Examiner maintained the rejection of claims 4 and 18 under 35 U.S.C. § 102(b) in view of Allen et al. For the Examiner's convenience, applicants enclose a copy of the full Allen et al. article that corresponds to the Abstract provided by the Examiner. Applicants again respectfully traverse this rejection.

Allen discloses a study of the role of angiotensin converting enzyme inhibition with ramipril on mesenteric vascular hypertrophy and urinary albumin excretion in a normotensive model of experimental diabetes. The authors conclude that ramipril will attenuate the development of mesenteric vascular hypertrophy after 24 weeks of experimental diabetes. The document does not disclose reducing the risk of onset of congestive heart failure and does not even appear to discuss the details of any effects of ramipril on cardiac function generally.

In an effort to expedite prosecution, applicants have amended claim 4 to recite that the patient is human. Allen discloses experiments on rats, not humans. For at least this reason, the document does not anticipate the amended claims. Moreover, since the document does not suggest reducing the risk of onset of congestive heart failure in the human patient recited in the pending claims, Allen does not render the claims obvious.

IV. Information Disclosure Statement

Applicants filed a Supplemental Information Disclosure Statement in the U.S. Patent and Trademark Office on June 24, 2004. A copy of the Statement, and stamped postcard as proof of the filing, is attached. Applicants respectfully request that the Examiner initial and return the PTO 1449 form.


Applicants are also filing another Supplemental Information Disclosure Statement with this Amendment.

Applicants believe that the pending claims should be in condition for allowance. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: October 6, 2004

By: 
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